

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

★FILED★

2007 OCT 15 PM 2: 26

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MICHAEL J. WANG, M.D.

Plaintiff,

vs.

CV 02-5840(JS)
CV 05-1861(JS)

CLERK
U.S. DISTRICT COURT
E.D.N.Y.

Stony Brook University Hospital ("SUNY")
Peter Glass, as individual & as Chairman of Dept
Fredrick Schiavone as individual & as Associate Dean
United States Medical License Examination Secretariat,

MOTION

Defendants,
-----X

**PLAINTIFF MOTION TO REOPEN CASE ON THE GROUND THAT
DEFENDANTS'S ATTORNEY LIED TO THE COURT ABOUT
MATERIAL FACTS**

1. Plaintiff motion to reopen case on the ground that defendant's attorney lied to the court about material facts and she has been engaging dishonest, fraud, deceit or misrepresentation of making false statement of material facts before Judge and had made a numerous lies in court during course of litigation against SUNY and USMLE in violation of Rule of Professional Conduct DR 1-102(a)(4).

2. Honesty is one of the cornerstone of the legal profession. Defendant's attorney intentional create actual and potential injury, such action are injurious to the legal system as a whole and adversely affect public confidence in our legal system (see attached complain filed in NYS Bar).

3. For all of the these reasons plaintiff urge this honorable court to vacate its Feb. 23, 2006 order granting summary judgement and reopen this case to permit th plaintiff to present any additional facts necessary to support its claim, and schedule for a jury trial.

4. The Second circuit explained that a district court should grant a motion for reconsideration which alters amends, or offers relies from a judgement when 1) There is newly discovered evidence which was not available to the moving party at the time of the judgement or 2) there is need to correct a legal or factual error which has resulted in a manifest injustice see *Maax's Seafood Café by Lou-Ann Inc v. Quinteos*, 176 F. 3d. 66. 677(2nd Cir 1999) Relying on *North River Ins. Co. v. CIGNA Reinsurance Co.* 53 F. 3d. 1194. 1218 (2nd Cir . 1995).

5. Plaintiff pursuit to federal court rule 60(b) under 28 U.S.C. 157(b)(2) which allows reconsideration of a prior judgement if its continued enforcement has become unjust.

Wherefore, Based on the foregoing, plaintiff urge this honorable court grant plaintiff's motion to reopen this case on the ground that defendant's attorney lied to the court about material facts in its summary judgement.

Dated October 15, 2007

cc. Barbara Underwood
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Respected Submitted



Michael Wang, MD